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08/438,612 05/10/95 AGRAWAL

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EXAMINER
SLUBY, P

ART UNIT PAPER NUMBER

2

1509

DATE MAILED:

10/04/95

15N1/1004
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This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☐ Responsive to communication filed on _____ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), X Y days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-22 & 37-61 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. ☒ Claims 23-36 have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 1-22 & 37-61 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with Informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

In the instant specification on page 1, first sentence, the abandoned status of parent Serial No. 07/773,236 should be updated.

Claims 23-36 have been cancelled without prejudice. The pending claims remaining are 1-22 and new claims 37-61.

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claims 1-22 and 37-61 are rejected under 35 U.S.C. § 112, first and second paragraphs, as the claimed invention is not described in such full, clear, concise and exact terms as to enable any person skilled in the art to make and use the same, and/or for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, the language "when cured" is speculative and indefinite because it represents a future embodiment. Furthermore, the phrase "an effective" is speculative and indefinite because it is not clear as to what forms the parameters to cause the adhesive to form "an effective" bond.

Claims 4, 10, 15 and 21 are rejected because the use of a trademark does not adequately define the invention. In the instant case, the trademarked material be altered to the detriment of the present invention. These claims should be

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revised by deleting reference to the trademark and by inserting a generic description of the material as set forth in the specification.

In claims 37, 50 and 51, the term "assembly" has no express antecedent basis.

Applicants are required to clarify and/or correct these deficiencies and objections.

The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 1-16, drafted to a mirror mounting button, windshield arrangement, and claims 37-41, 52 and 53, drawn to an interior rear view mirror mounting system, are rejected under 35 U.S.C. § 103 as being unpatentable over Ryan in view of Stewart, Aikens et al. and the Adhesives Handbook.

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The former Ryan reference describes a mirror assembly "secured to the interior surface of a windshield through the use of a sheet or layer of polyvinyl butyral resin or other suitable resinous material or adhesive layer (note column 2 at lines 49-54). The windshield is a laminated glass panel as shown in Figures 1 and 2 as well as item 21.

Stewart is also directed to mirrors that are adhesively attached to automobile windshields. Furthermore Stewart teaches adhesives such as acrylates and epoxies (note column 1 at lines 49-65). Suitable materials are also disclosed in column 6 at lines 52-58. It is well known to have mirrors which have been detached from windshields repaired through the use of thermosetting adhesives designed to activate at room temperature. The Adhesives Handbook, lists commonly used curing agents for epoxies to achieve cold or hot-setting systems at page 41. Furthermore, aromatic amines are used as curing agents.

Accordingly, it is obvious to one having average skill in this technology to employ thermosetting adhesives to meet desired conditions of temperature and the like as suggested by Stewart and as noted by the auto mirror technology to join mirror mounting brackets to windshields as shown in Ryan.

Furthermore, Aikens et al. at column 2, lines 66-68 show a "button" type mounting bracket.

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Claim 37 specifies a one-package adhesive film. Ryan teaches a sheet or layer, i.e. the adhesive may be in film or sheet form.

Claims 17-22 are rejected under 35 U.S.C. § 103 as being unpatentable over Ryan in view of Stewart, Aikens et al., the Adhesives Handbook further in view of Dressler.

Applicants are referred to the preceding rejection for a discussion of the first four former references as applied to claims 1 and 37. It is noted that Ryan provides a flat gluing face on the back of the mounting bracket while applicants claim a surface with a perimeter groove. It is notorious in the bonding arts to have a recess for the purpose of containing excessive adhesive during bonding. Dressler is directed to a supporting device and teaches a trough around the perimeter of the gluing face. Accordingly, it would have been obvious to one having average skill in this technology at the time the invention was made to use a groove or trough to contain excessive adhesive on the mounting bracket presented by Ryan.

Claims 42-51 and 54-61 are rejected under 35 U.S.C. § 103 as being unpatentable over Ryan in view of Stewart, Aikens et al., the Adhesives Handbook and further in view of Structural Adhesives and Concise Guide to Structural Adhesives.

Applicants are referred to the previous rejection for a discussion of Ryan, Stewart, Aikens et al. and the Adhesives

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Handbook. These claims are directed to matters of choice, such as the hardener and thickness. The adhesives may be modified as taught in the Adhesives Handbook on page 40 and the epoxy may be modified with amine compounds and hardeners as suggested in Structural Adhesives on pages 60-63. To use a glue line thickness in the range as instantly recited, applicants are referred to the Concise Guide to Structural Adhesives on page 5, third paragraph.

A facsimile center has been established in Crystal Mall 1, Room 7C03. The hours of operation are Monday through Friday, 8:45 A.M. to 4:45 P.M. The telecopier number for accessing the facsimile machine is (703) 308-0039. This new location should be used in all instances when faxing any correspondence to Group 1500. Use of the new Crystal Mall 1 center will facilitate rapid delivery of materials to the Group. The faxing of all papers must conform with the notice published in the Official Gazette, 1096 O.G. 30 (November 15, 1989).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Sluby whose telephone number is (703) 308-2351. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-2351.

PCSluby:cdc

9-29-95



P. C. SLUBY
PRIMARY EXAMINER
GROUP 1500